IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL Nos. 1013, 1016 and 1020 of 2005

WRIT APPEAL NO : 1013 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 12/05/2005 in WP NO : 11222 OF 2005 on the file of the High Court.)

Between:

Amarlal S/o. Late Sri Jivann Dass Ahuja
S/o. Kantilal Sugandhi, aged about 28 yrs, R/o. 21-3-187,

Moosabowli, Hyderabad.

..... APPELLANT

AND

1 Municipal Corporation of Hyderabad, Rep. by its Commissioner.
2 The Assistant City Planner, Town Planning Section, Circle No. II,

Sardar Mahal, Charminar, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: SMT.N.SHOBA

Counsel for the Respondents: MR.RAMA RAO GHANTA

WRIT APPEAL NO : 1016 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 12/05/2005 in WP NO : 11223 OF 2005 on the file of the High Court.)

Between:

Kantilal Sugandhi, S/o. Late Kishandas Sugandhi,
R/o. 15-5-97, Afzalgunj, Hyderabad.

..... APPELLANT

AND

1 Municipal Corporation of Hyderabad, Rep by its Commissioner,

Tank Bund Road, Hyderabad.
2 The Assistant city Planner, Town Planning Section, Circle No. II,
Sardar Mahal, Charminar, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: SMT.N.SHOBA

Counsel for the Respondents: MR.RAMA RAO GHANTA

WRIT APPEAL NO : 1020 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 12/05/2005 in WP NO : 11224 OF 2005 on the file of the High Court.)

Between:

Bandaru Bhoopal S/o B. Ramaswamy, Business,

Premises No. 15-5-79, in the name and style of
'Manik Press', Afzalgunj, Hyderabad,

rep. by its General Power of Attorney, Sunderlal S/o Sri Kanthilal,
aged 24 years, R/o 21-3-187, Moosa Bowli, Hyderabad.

..... APPELLANT

AND

1 Municipal Corporation of Hyderabad, rep. by its Commissioner,
Tank Bund Road, Hyderabad.

2 The Assistant City Planner, Town Planning Section, Circle No. II,
Sardar Mahal, Charminar, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: SMT.N.SHOBA

Counsel for the Respondents: MR.RAMA RAO GHANTA

The Court made the following :

COMMON JUDGMENT(per Hon'ble VE, J)

These three writ appeals are filed against the common order dated 12-05-2005 passed by a learned single Judge in W.P.M.P.No.14391 of 2005 in W.P.No.11222 of 2005; W.P.M.P.No.14392 of 2005 in W.P.No.11223 of 2005 and W.P.M.P.No.14394 of 2005 in W.P.No.11224 of 2005 respectively. The learned single Judge admitted the Writ petitions filed against the notices issued by the first respondent dated 09-05-2005 under Section 456 of the Hyderbad Municipal Corporation Act, 1955, directing

the appellants herein to demolish the building within two days since the building is in dangerous condition and it may collapse at any movement causing danger to the inmates/neighbours. The said orders were passed only based on the report of the Deputy Executive Engineer, Sub Division, Municipal Corporation of Hyderabad. The learned single Judge while staying the demolition directed the Respondent-Municipal Corporation to ensure that the appellants do not enter or pursue their business in the premises and they may be permitted to the premises only for the limited purpose of locking the premises. It was further observed that it is open to the Commmisioner, Municipal Corporation of Hyderabad, to depute the Chief City Planner along with any technical personnel having structural engineering qualifications to inspect the premises. If on such inspection and report, the Commissioner, Municipal Corporation of Hyderabad, Hyderabad, is satisfied that there is imminent danger to life or property, by the precarious condition of the building, then it is open for the Commissioner to pass appropriate orders for the demolition of the structures of the building but not on the mere basis of the impuged notice.

It is stated by the learned counsel for the appellants that the appellants are carrying on their business and the landlords filed eviction proceedings and this being the summer season, there is no imminent danger.

Having regard to the facts and circumstances of the case the order of the learned single Judge is modified only to the extent of directing the respondents preventing the appellants not to enter or pursue their business in the premises.

The writ appeals are accordingly disposed of permitting the appellants to continue to carry on their business in the premises in question. No costs.

_____

17-05-2005

Note: Issue operative portion by wire at party's costs.

B/o,

Vs/ks

To

1. The Commissioner, Municipal Corporation of Hyderabad,

Tank Bund Road, Hyderabad.

2 The Assistant City Planner, Town Planning Section, Circle No. II,
Sardar Mahal, Charminar, Hyderabad.

3 2 CD copies